

The

Gazette



of India

EXTRAORDINARY

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NEW DELHI, WEDNESDAY, JULY 21, 1948.

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 21st July 1948

ORDINANCE No. XVII of 1948.

AN

ORDINANCE

to make certain special provisions for the institution of suits by displaced persons.

WHEREAS an emergency has arisen which renders it necessary to make certain special provisions for the institution of suits by displaced persons;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Displaced Persons (Institution of Suits) Ordinance, 1948.

(2) It extends to all the Provinces of India.

(3) It shall come into force at once.

2. **Definition.**—In this Ordinance, “displaced person” means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the 1st day of March, 1947, and who has subsequently been residing in India.

3. **Institution of suits by displaced persons.**—Notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (V of 1908), or any other law relating to the local limits of the jurisdiction of Courts, a displaced person may institute a suit in a Court within whose jurisdiction he actually and voluntarily resides, or carries on business, or personally works for gain, if—

(i) none of the defendants is, or if there is only one, that defendant is not, a displaced person;

(ii) the suit is of such a nature that had it been instituted before the 15th day of August, 1947, it could have been instituted in a Court now situate within the territories of Pakistan;

(iii) the Court in which the suit is instituted under the provisions of this Ordinance is otherwise competent to try it, and

(iv) the suit does not relate to immovable property.

4. Extension of period of limitation.—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908) or any special or local law, any suit instituted in pursuance of section 8 of this Ordinance may be admitted after the period of limitation proscribed therefor when the plaintiff satisfies the Court that he was unable to institute the suit within such period owing to causes connected with his being a displaced person.

C. RAJAGOPALACHARI,
Governor General.

ORDINANCE No. XIX OF 1948.

AN

ORDINANCE

further to amend the Indian Army Act, 1911.

WHEREAS an emergency has arisen which makes it necessary to amend the Indian Army Act, 1911 (VIII of 1911), for the purpose hereinafter appearing

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (23 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Indian Army (Amendment) Ordinance, 1948.

(2) It shall come into force at once.

2. Amendment of section 7.—In clause (2) of section 7 of the Indian Army Act, 1911 (VIII of 1911), after the word "means" the words "a person of Indian nationality holding His Majesty's commission in His Majesty's Land Forces or" shall be inserted.

C. RAJAGOPALACHARI,
Governor General.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.